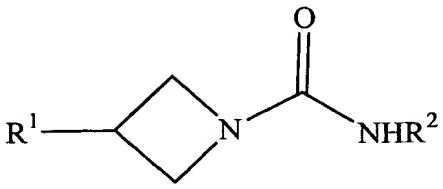
Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application.

Detailed Listing of Claims:

1. (Previously Presented) A compound of formula (1)



(1)

wherein

R^1 is aryl substituted with halo or haloalkyl ~~aryl~~; and

R^2 is hydrogen or alkyl wherein alkyl is defined as a branched or unbranched, cyclic or acyclic, saturated or unsaturated, substituted or unsubstituted hydrocarbyl radical;

and pharmaceutically acceptable addition compounds therefore.

2. (Previously Presented) A compound according to claim 1, wherein R^1 is selected from substituted phenyl and substituted naphthyl.

3. (Previously Presented) A compound according to claim 1 wherein R^1 has 1, 2 or 3 substituent groups.

4. (Currently Amended) A compound according to claim 1 wherein R^1 is substituted with one or more groups selected from halo and trifluoromethyl. ~~halo, trifluoromethyl and tertiary-butyl.~~

5. (Previously Presented) A compound according to claim 4 wherein said halo groups are selected from chloro and fluoro.

6. (Previously Presented) A compound according to claim 1 wherein R^1 is a meta- or para-substituted phenyl group.

7. (Previously Presented) A compound according to claim 1, wherein R^1 is selected from 4-chlorophenyl, 4-fluorophenyl, 4-(trifluoromethyl)phenyl and 3-(trifluoromethyl)phenyl.

8. (Previously Presented) A compound according to claim 1 wherein R^1 is selected from a 2,3-disubstituted phenyl group, a 2,4-disubstituted phenyl group, a 3,4-disubstituted phenyl group and a 3,5-disubstituted phenyl group.

9. (Original) A compound according to claim 8 wherein R^1 is substituted by two halo groups, the same or different, or by one halo group and one trifluoromethyl group.

10. (Original) A compound according to claim 9 wherein R^1 is dichloro-substituted, difluoro-substituted, chloro-fluoro-substituted or fluoro-trifluoromethyl-substituted.

11. (Original) A compound according to claim 1 wherein R^1 is selected from 3,4-dichlorophenyl, 3,4-difluorophenyl, 3-chloro-4-fluorophenyl, 4-chloro-3-fluorophenyl, 3-fluoro-4-(trifluoromethyl)phenyl, 4-fluoro-3-(trifluoromethyl)phenyl and 3-chloro-5-fluorophenyl.

12. (Previously Presented) A compound according to claim 1 wherein R^2 is alkyl.

13. (Previously Presented) A compound according to claim 1 wherein R^2 is C_{1-8} alkyl.

14. (Previously Presented) A compound according to claim 1 wherein R^2 is alkenyl, alkynyl, hydroxyalkyl or alkoxyalkyl.

15. (Previously Presented) A compound according to claim 1 wherein R^2 is unsubstituted saturated cyclic or acyclic hydrocarbyl.

16. (Previously Presented) A compound according to claim 1 wherein R^2 is propyl, 2-propenyl, 2-propynyl or 2-hydroxypropyl.

17. (Original) A compound according to claim 1 wherein the compound is selected from
3-(4- Chlorophenyl)-*N*-(2-propynyl)azetidine-1-carboxamide,
(*S*)-3-(4-Fluorophenyl)-*N*-(2-hydroxypropyl)azetidine-1-carboxamide,
3-(4-Fluorophenyl)-*N*-(2-propynyl)azetidine-1 carboxamide,
(R)-3-(4-Fluorophenyl)-*N*-(2-hydroxypropyl)azetidine-1-carboxamide,
3-(4-Chlorophenyl)-*N*-(2-propenyl)azetidine-1-carboxamide,
(R)-3-(4-Chlorophenyl)-*N*-(2-hydroxypropyl)azetidine-1-carboxamide,
3-(4-Fluorophenyl)-*N*-(2-propenyl)azetidine-1-carboxamide,
3-(4-(Trifluoromethyl)phenyl)-*N*-(2-propynyl)azetidine-1-carboxamide,
(*R*)-3-(4-(Trifluoromethyl)phenyl)-*N*-(2-hydroxypropyl)azetidine-1-carboxamide,
(S)-3-(4-(Trifluoromethyl)phenyl)-*N*-(2-hydroxypropyl)azetidine-1-carboxamide,
3-(3-(Trifluoromethyl)phenyl)-*N*-(2-propynyl)azetidine-1-carboxamide and
3-(4-Trifluoromethyl)phenyl-*N*-azetidine-1-carboxamide.

18-22. (Canceled).

23. (Currently Amended) A pharmaceutical composition comprising a compound according to claims 1 or 17 ~~claim 1~~ in combination with a pharmaceutically acceptable carrier or excipient.

24. (Currently Amended) A method of treatment of CNS disorders comprising administering to a patient in need of such treatment an effective dose of a compound according to claims 1 or 17 ~~claim 1~~.

25. (Previously Presented) A method according to claim 24 wherein said method is for the treatment of anxiety, epilepsy, insomnia, alcohol withdrawal syndrome, chronic and acute pain, neurodegenerative diseases, symptoms related to withdrawal from substance abuse or spasticity.

26. (Original) A method according to claim 24 wherein said method is for the treatment of anxiety or epilepsy.

27. (Currently Amended) A method of muscle relaxation prior to surgery or surgical manipulation or a method of pre-medication prior to surgery, comprising administering to a patient in need thereof an effective dose of a compound according to any one of claims 1 or 17.~~claim 1~~

28. (Previously Presented) A method according to claim 25 wherein said insomnia is travel insomnia or insomnia associated with terminal illness.

29. (Canceled).

REMARKS

Rejections Under 35 USC §103(a)

As of the outstanding Office Action dated April 14, 2003, claims 1-17 and 23-28 are rejected under 35 USC § 103(a) as unpatentable over GB 872447 and EP0194112. Applicants address the outstanding rejection as follows.

Applicants respectfully request reconsideration of the pending claims in light of the second Declaration of Nathaniel Monck submitted on July 14, 2003 that provides data on eleven compounds wherein R^1 is substituted by halo or haloalkyl. The data of the second Declaration demonstrate SC values that are significantly higher than those of the vehicle. The mean SV value is 49.9, while that of the closest prior art compound is 22.9. The Examiner has proffered no evidence that such an improvement, much less any improvement at all, was suggested by any combination of GB-872447 or EP-194112. Thus, the second Declaration demonstrates unexpected results.

With respect to the first Declaration, applicants wish to repeat the arguments already of record. The prior art compound showed overlap with the vehicle whereas Example 20, a compound of the present invention did not overlap with the vehicle. Therefore, the declarant, Nathanial Monck, stated "that it is entirely valid to conclude that Example 20 is more potent than the prior art compound." Dr. Monck concludes that "this increased potency could not have been predicted from the prior art."

The Examiner has offered no evidence from the prior art that any combination of GB-872447 or EP-194112 would have presaged the increased potency of the compounds of the present invention. Such a showing on the part of the Examiner is essential for the Examiner to be able to properly maintain the rejection for obviousness. Moreover, the Examiner has advanced no arguments that the data of first or second Declarations are questionable. These data are factual evidence that compounds of the present invention are not obvious.

In order for the Examiner to properly maintain the rejection of obviousness, it is incumbent upon the Examiner to address the evidence of non-obviousness presented by the

actual data themselves. In the Office Action dated April 14, 2003, the Examiner has stated that it was not certain as to what other compounds of the present invention would be useful in the treatment of CNS disorders besides trifluoromethyl. Applicants have provided further data demonstrating the effectiveness of both 3 and 4 trifluoromethyl over the prior art, as well as dichlorophenyl, cholorfluorophenyl, difluorophenyl, trifluoromethyl fluorophenyl and chlorophenyl. Moreover, as stated by Dr. Monck, in contrast to the compounds of the present invention, the compound of the prior art demonstrates statistical overlap with the vehicle.

Finally, applicants would also like to explain in a little more detail the assay procedure used to collect the data in Table 1 of the second Declaration and in Table 1 of the present specification, to emphasize the significance of the values given. The key to understanding these data is that the bigger the difference between the values of "SC" and "SV," the greater is the efficacy of the test compound. The assay is described on pages 13-14 of the specification. The subject is administered the test compound in a pharmaceutically acceptable vehicle, or is administered only the vehicle, and this is followed by administration of a chemical convulsant, in this case 3-MPA. The greater the threshold dose (SC) of convulsant at the onset of seizures, the more effective is the test compound as an anti-convulsant. The SC value must, of course, be referenced to a control value, i.e. the seizure threshold of the vehicle-only group, and so the difference (SC-SV) is the critical number to demonstrate efficacy. Tabulated in Table 1 of Appendix I attached hereto is the data already presented in this Application for ease of reference, and calculated (SC-SV) for each compound where R^1 is substituted by halo and haloalkyl. The data in Table 1 demonstrate that the substituted compounds defined in the present claim show a significantly greater efficacy as anti-convulsants relative to the unsubstituted prior art compounds, since all have a greater (SC-SV) value than the unsubstituted compounds.

Therefore, applicants urge that they have presented evidence showing the non-obviousness of the invention and respectfully request allowance of the present claims. In case the Examiner is not inclined to allow the present claims after consideration of this preliminary amendment, she is respectfully requested to contact applicants' representative at the below telephone number.

In view of the above remarks and amendments, it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited.

If any additional extension(s) of time are required for the filing of this paper, applicants expressly petition for such extension(s) and authorize the Commissioner to charge any deficiency to Deposit Account 19-0741.

Respectfully submitted,

September 15, 2003
Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

APPENDIX I

Table 1: Antagonism of 3-MPA-Induced Seizures

Compound	SC	SV	(SC-SV)
1-carbamoyl-3-phenylazetidine (GB-872447)	22.9	18.5	4.4
1-carbamoyl-3-naphthylazetidine	22.9	18	4.9
Example 11; R^1 = 3,4-dichlorophenyl	42.8	22.1	20.7
Example 12; R^1 = 3,4-dichlorophenyl	45.8	22.1	23.7
Example 13; R^1 = 3,4-dichlorophenyl	31.5	13.6	17.9
Example 16; R^1 = 4-trifluoromethylphenyl	44.2	13.6	30.6
Example 17; R^1 = 3-trifluoromethylphenyl	129.7	15.6	114.1
Example 18; R^1 = 3-trifluoromethylphenyl	54.6	15.6	39
Example 23; R^1 = 3-chloro-4-fluorophenyl	27.2	13.6	13.6
Example 25; R^1 = 3,4-difluorophenyl	45.8	17.7	28.1
Example 26; R^1 = 3-chloro-4-fluorophenyl	49.9	16.2	33.7
Example 28; R^1 = 3-trifluoromethyl-4-fluorophenyl	94.4	17.7	76.7
Example 29; R^1 = 3-chlorophenyl	129.3	18.6	110.7
Example 1; (R^1 = 4-chlorophenyl)	42.7	15.7	27.0
Example 5; (R^1 = 4-fluorophenyl)	32.4	15.7	16.7
Example 6; (R^1 = 4-fluorophenyl)	59.5	20.6	38.9
Example 7; (R^1 = 4-fluorophenyl)	54.4	20	34.4
Example 8; (R^1 = 4-chlorophenyl)	100	15.7	84.3
Example 9; (R^1 = 4-chlorophenyl)	29.7	14.9	14.8
Example 10; (R^1 = 4-fluorophenyl)	95.8	15.6	80.2
Example 15; (R^1 = 4-trifluoromethylphenyl)	58.4	14.1	44.3
Example 19; (R^1 = 3-trifluoromethylphenyl)	>200.0	17.2	>1 828